

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW AARON SIMPSON, II,

Plaintiff,

v.

EXPERIAN,

Defendant.

Case Number 24-13243

Honorable David M. Lawson

Magistrate Judge Kimberly G. Altman

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, GRANTING IN
PART DEFENDANT'S MOTION TO STRIKE OR ALLOW DISCOVERY, AND
CONTINUING ORDER OF REFERENCE**

Presently before the Court is the report issued on May 19, 2025 by Magistrate Judge Kimberly G. Altman under 28 U.S.C. § 636(b) on two pending motions in this consumer rights case. On March 17, 2025, Judge Altman entered a scheduling order, setting a discovery deadline of July 24, 2025 and a deadline to file dispositive motions of August 15, 2025. ECF No. 17. On April 8, 2025, the plaintiff filed a motion for summary judgment. ECF No. 18. In lieu of a response, the defendant filed a motion to strike the plaintiff's motion or in the alternative, to allow discovery. ECF No. 19. Judge Altman directed the plaintiff to respond to the defendant's motion by April 28, 2025, but he did not do so. After considering the parties' positions, Judge Altman recommended that the plaintiff's motion for summary judgment be denied without prejudice to permit an opportunity for discovery. She also recommended that the Court grant in part the defendant's motion to the extent it sought an opportunity to take discovery.

The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Tchrs. Loc. 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 21) is **ADOPTED**, the plaintiff's motion for summary judgment (ECF No. 18) is **DENIED WITHOUT PREJUDICE**, and the defendant's motion to strike or in the alternative, to allow discovery (ECF No. 19) is **GRANTED IN PART** as to its request for an opportunity to conduct discovery.

It is further **ORDERED** that the previous order of reference to the assigned magistrate judge (ECF No. 6) is **CONTINUED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 4, 2025